

**BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 844-A

**EARL WARREN WEBB
19782 Rotterdam Street
Riverside, CA 92508**

Civil Engineer License No. C 37384

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 24, 2010.

It is so ORDERED November 17, 2010.

Original Signed

FOR THE BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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Attorneys for Complainant

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10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 844-A

12 **EARL WARREN WEBB**
13 **19782 Rotterdam Street**
14 **Riverside, CA 92508**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Civil Engineer License No. C 37384**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. David E. Brown (Complainant) is the Executive Officer of the Board for Professional
22 Engineers and Land Surveyors. He brought this action solely in his official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Rita M. Lane, Deputy Attorney General.

25 2. Respondent Earl Warren Webb is representing himself in this proceeding and has
26 chosen not to exercise his right to be represented by counsel.

27 3. On or about July 22, 1983, the Board for Professional Engineers and Land Surveyors
28 issued Civil Engineer License No. C 37384 to Earl Warren Webb (Respondent). The Civil

1 Engineer License was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 844-A and will expire on June 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 844-A was filed before the Board for Professional Engineers and
5 Land Surveyors (Board), Department of Consumer Affairs, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on May 1, 2009. Respondent timely filed his Notice of Defense contesting the
8 Accusation. A copy of Accusation No. 844-A is attached as Exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 844-A. Respondent has also carefully read, and understands the effects of this
13 Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent understands and agrees that the charges and allegations in Accusation
25 No. 844-A, if proven at a hearing, constitute cause for imposing discipline upon his Civil
26 Engineer license.

27 9. For the purpose of resolving the Accusation without the expense and uncertainty of
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

1 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
2 those charges.

3 10. Respondent agrees that his Civil Engineer license is subject to discipline and he
4 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
5 below.

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Board for Professional Engineers
8 and Land Surveyors. Respondent understands and agrees that counsel for Complainant and the
9 staff of the Board for Professional Engineers and Land Surveyors may communicate directly with
10 the Board regarding this stipulation and settlement, without notice to or participation by
11 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
12 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
13 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
14 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
15 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
16 be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
19 effect as the originals.

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following
22 Disciplinary Order:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Civil Engineer License No. C 37384 issued to Respondent
25 Earl Warren Webb is revoked. However, the revocation is stayed and Respondent is placed on
26 probation for three (3) years on the following terms and conditions.

27 1. **Obey All Laws.** The Respondent shall obey all laws and regulations related to the
28 practices of professional engineering and professional land surveying.

1 2. **Submit Reports.** The Respondent shall submit such special reports as the Board may
2 require.

3 3. **Tolling of Probation.** The period of probation shall be tolled during the time the
4 Respondent is practicing exclusively outside the state of California. If, during the period of
5 probation, the Respondent practices exclusively outside the state of California, the Respondent
6 shall immediately notify the Board in writing.

7 4. **Violation of Probation.** If the Respondent violates the probationary conditions in
8 any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may
9 vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of
10 probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter
11 has been submitted to the Office of the Attorney General for the filing of such, the Board shall
12 have continuing jurisdiction until all matters are final, and the period of probation shall be
13 extended until all matters are final.

14 5. **Completion of Probation.** Upon successful completion of all of the probationary
15 conditions and the expiration of the period of probation, the Respondent's license shall be
16 unconditionally restored.

17 6. **Cost Recovery.** Within two and one-half (2 1/2) years from the effective date of the
18 decision, the Respondent is hereby ordered to reimburse the Board the amount of \$4,008.50 for
19 its investigative and prosecution costs. Said reimbursement may be paid in installments. Failure
20 to reimburse the Board's cost of its investigation and prosecution shall constitute a violation of
21 the probation order, unless the Board agrees in writing to payment by an alternative installment
22 plan because of financial hardship.

23 7. **Examination.** Within 60 days of the effective date of the decision, the Respondent
24 shall successfully complete and pass the California Laws and Board Rules examination, as
25 administered by the Board.

26 8. **Ethics Course.** Within two and one-half (2 1/2) years of the effective date of the
27 decision, the Respondent shall successfully complete and pass a course in professional ethics,
28 approved in advance by the Board or its designee. The Respondent shall provide the Board with

verifiable proof of completion of the requisite course in the form of an official transcript or certificate that he has successfully completed the required course.

9. **Take And Pass Examinations.** Within two and one-half (2 1/2) years of the effective date of the decision, the Respondent shall successfully complete and pass, with a grade of "C" or better, one college-level course, approved in advance by the Board or its designee. Such course shall be specifically related to civil and structural engineering. The Respondent shall provide the Board with official proof of completion of the requisite course. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers and Land Surveyors.

DATED: 9/27/2010

Original Signed
EARL WARREN WEBB
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board for Professional Engineers and Land Surveyors of the Department of Consumer Affairs.

Dated: 9/27/10

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Original Signed

RITA M. LANE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 844-A

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
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3 RITA M. LANE, State Bar No. 171352
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8 Attorneys for Complainant

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10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

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13 EARL WARREN WEBB
19872 Rotterdam Street
14 Riverside, CA 92508

A C C U S A T I O N

15 Civil Engineer License No. C 37384

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Joanne Arnold (Complainant) brings this Accusation solely in her official
21 capacity as the Interim Executive Officer of the Board for Professional Engineers and Land
22 Surveyors, Department of Consumer Affairs.

23 2. On or about July 22, 1983, the Board for Professional Engineers and Land
24 Surveyors issued Civil Engineer License Number C 37384 to Earl Warren Webb (Respondent).
25 The Civil Engineer License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on June 30, 2010, unless renewed.

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1 February 24, 2005, Respondent's first design document for the Brandon Court project was
2 submitted to the City of Riverside Building and Safety Division (City) for plan check approval.
3 Numerous errors and deficiencies in the design documents were noted by the City. Many of
4 these same errors were noted a second time in Respondent's second plan submission to the City
5 on April 13, 2005 for the Brandon Court project.

6 8. City plan check documents for Respondent's previous projects at 1885
7 University Avenue and 2552 Sunset Drive from April 2002 to September 2005, also revealed
8 numerous errors and deficiencies in the design documents relating to building siting,
9 architectural, structural, mechanical, electrical and plumbing designs that are not in compliance
10 with applicable California code requirements.

11 FIRST CAUSE FOR DISCIPLINE

12 (Negligence in the Practice of Engineering)

13 9. Respondent is subject to disciplinary action under section 6775(c) in that
14 Respondent was negligent in his practice of engineering in that there were numerous errors and
15 deficiencies in the design documents he prepared for the Brandon Court project as follows:

16 a. The front and rear elevations do not accurately depict the two-story
17 construction of the maid's room over the garage.

18 b. The elevations reference clay roofing tile with an International Code
19 Council Evaluation Report No. ER-4204, but no such ER report exists.

20 c. No column or reference lines are shown on the structural plans, so there is
21 no easy way to correlate the design analysis results with the structural framing plans.

22 d. Lateral load-resisting elements are shown on the framing plans, but no
23 collector elements or drag struts are shown demonstrating a rational load path for transferring the
24 loads into the elements.

25 e. The distribution of lateral loads at the roof level appears to be incomplete
26 at load lines 30 and 31.

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1 f. No shear transfer or connection details at wood-to-steel construction are
2 provided, e.g., drag struts, roof eaves, second floor diaphragm at both the perimeter and at the steel
3 frame along load line 15.

4 g. At load line 8, no detailing or anchorage requirements are provided to
5 resist the overturning forces from the second-story shear walls located above the first floor steel
6 moment frame.

7 h. Spread footings are not shown beneath the steel columns along load lines
8 18, 19, 20, 21 and 26.

9 i. Base plate connection details for the steel frame columns are inadequate.

10 j. The special seismic provisions of the California Building Code regarding
11 irregular structures do not appear to be fully accounted for, e.g., load lines 8 and 26 with plywood
12 shear walls over a steel moment frame.

13 k. No slope correction factor appears to be applied to roof dead loads.

14 SECOND CAUSE FOR DISCIPLINE

15 (Negligent Pattern of Conduct in the Practice of Engineering)

16 10. Respondent is subject to disciplinary action under section 6775(c) in that
17 Respondent was negligent in his practice of engineering when review of prior plan check
18 submittals to the City by Respondent revealed a negligent pattern of conduct in his practice of
19 engineering. The repetitive nature of the plan check comments from the City indicates that
20 Respondent repeatedly failed to address and correct the City's concerns from one submittal to the
21 next and are a failure by Respondent to use appropriate care over the course of several projects
22 over several years. Examples of Respondent's negligent pattern of conduct are as follows:

23 11. 1835 University Avenue Project:

24 a. First Plan Review by the City dated April 12, 2002 found:

25 (1) Incomplete engineering calculations; no lateral load analysis
26 calculations.

27 (2) Footings not shown on plans.

28 (3) Shear wall types and locations not shown on plans.

- 1 b. Second Plan Review by the City dated August 8, 2002 found:
- 2 (1) Failure to account for building setback and fire-resistive construction
- 3 requirements.
- 4 (2) Failure to account for minimum egress requirements.
- 5 (3) Mechanical, electrical and plumbing errors.
- 6 (4) City refused to review structural calculations and structural drawings
- 7 due to the numerous design errors related to nonstructural code
- 8 requirements.
- 9 c. Third Plan Review by the City dated November 12, 2002 found:
- 10 (1) Failure to account for building setback and fire-resistive construction
- 11 requirements.
- 12 (2) Failure to account for minimum egress requirements.
- 13 (3) Incomplete engineering calculations.
- 14 (4) Structural irregularities not accounted for per 1997 Uniform Building
- 15 Code section 1630.8.2.
- 16 (5) No details for shear transfer connections.
- 17 (6) No details for drag struts and collector elements.
- 18 (7) Locations of hold down(s) not shown.
- 19 (8) Concerns regarding footings beneath load-bearing elements.
- 20 (9) Cannot correlate shear walls in calculations with those on plans.
- 21 (10) Mismatched construction in details (wood walls shown instead of
- 22 masonry walls and steel column).
- 23 12. 2552 Sunset Drive Project:
- 24 a. First Plan Review by the City dated November 6, 2002 found:
- 25 (1) Incomplete engineering calculations.
- 26 (2) Structural irregularities not accounted for per 1997 Uniform Building
- 27 Code section 1630.8.2.
- 28 (3) No details for shear transfer connections.

- (4) No details for drag struts and collector elements.
- (5) Locations of hold down(s) not shown.
- (6) No foundations beneath steel columns.
- (7) Cannot correlate shear walls in calculations with those on plans.
- (8) Specify steel in footings.

b. Second Plan Review by the City dated December 3, 2002 found:

- (1) Incomplete engineering calculations.
- (2) Structural irregularities not accounted for per 1997 Uniform Building Code section 1630.8.2.
- (3) Incomplete details for shear transfer connections.
- (4) Incomplete details for draf struts and collector elements.
- (5) Locations of hold down(s) not shown.

13. 7231 Brandon Court Project:

a. First Plan Review by the City dated January 21, 2005 found:

- (1) Fire-resistive construction omissions.
- (2) Electrical and mechanical system errors.
- (3) Incomplete engineering calculations.
- (4) Cannot correlate shear walls in calculations with those on plans.
- (5) Structural irregularities not accounted for per 1997 Uniform Building Code section 1630.8.2.
- (6) Improper details for shear transfer connections.
- (7) No details for drag struts and collector elements; collector elements not shown on plans.
- (8) Locations of hold down(s) not shown.
- (9) Concerns regarding footings beneath load-bearing elements.
- (10) Mismatched construction in details (wood beams shown instead of steel moment frames).

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- 1 b. Second Plan Review by the City dated May 2, 2005 found:
- 2 (1) Fire-resistive construction omissions.
- 3 (2) Electrical and mechanical system errors.
- 4 (3) Incomplete engineering calculations.
- 5 (4) Cannot correlate shear walls in calculations with those on plans.
- 6 (5) Structural irregularities not accounted for per 1997 Uniform Building
- 7 Code section 1630.8.2.
- 8 (6) Improper details for shear transfer connections.
- 9 (7) No details for drag struts and collector elements; collector elements
- 10 not shown on plans.
- 11 (8) Locations of hold down(s) not shown.
- 12 (9) Concerns regarding footings beneath load-bearing elements.
- 13 (10) Mismatched construction in details (wood beams shown instead of
- 14 steel moment frames).

15 THIRD CAUSE FOR DISCIPLINE

16 (Violation of a Regulation)

17 14. Respondent is subject to disciplinary action under section 6775(g) in that he

18 violated a board regulation when he consistently misrepresented the completeness of the

19 professional documents he submitted to the City on the Brandon Court project in violation of

20 CCR section 475(e)(1). The circumstances are set forth in detail in paragraphs 7 through 13

21 above, and are incorporated herein as though fully set forth.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein

24 alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors

25 issue a decision:

26 1. Revoking or suspending Civil Engineer Number C 37384, issued to Earl

27 Warren Webb;

28 ///

1 2. Ordering Earl Warren Webb to pay the Board for Professional Engineers
2 and Land Surveyors the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: April 29, 2009

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Original Signed
JOANNE ARNOLD
Interim Executive Officer
Board for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California
Complainant